

DRAFT
CITY OF LYNCHBURG
2004 LEGISLATIVE AGENDA

PRIORITY ITEMS

The Lynchburg City Council urges Region 2000 legislators to adhere to the following principles as they evaluate and vote on bills and a biennial budget during the 2004 General Assembly Session:

- **Pass a biennial budget that adequately funds the state share of state-local services, especially in education, human services and public safety.**
- **Support a comprehensive overhaul of state-local tax structure to increase equity and provide revenue growth sufficient to meet state and local responsibilities.**
- **Oppose legislation that would add additional costly mandates, reduce local revenue or narrow local taxing authority, unless part of a comprehensive balanced tax reform package.**
- **Oppose legislation that reduces local decision-making authority in land use planning and zoning.**

Specific Action Requested

I. Meet State Fiscal Obligations To Localities

Many local services and responsibilities are mandated by state law. Both the state and localities have constitutional and statutory responsibility to share costs. Increasingly, the state has shifted more of the costs and responsibility for services to the local level. The City has a high level of mandated service responsibilities and infrastructure costs but is dependent on a limited tax base with limited capacity for growth. Yet, the state has and continues to consider reducing local taxing authority. As the 14th most fiscally stressed locality in the state, the City of Lynchburg is not in a financial position to make up for state budget cuts. The state should meet its responsibilities to fund its share of the costs of mandated services and stop shifting costs to localities.

II. State and Local Funding Priorities:

- Education- Basic Aid and At-risk Programs
- Comprehensive Services Act
- Social Services – Welfare Reform and Foster Care
- HB 599
- Jail, Juvenile Justice and Detention Programs
- Constitutional Officers
- State Reimbursement of Lost Car Tax Revenue to Localities

- State Share of Library Costs
- Street Maintenance, Urban Construction and Public Transportation
- Combined Sewer Overflow Education Efforts

III. Fund Education

Inadequate state education funding results in increased costs for the City and local tax payers. For example, statewide local governments pay 60% of teacher retirement. If the state was fully funding education, localities and local tax payers would pay 45% of this expense. New state education funds should be provided to: 1) Fully fund the Standards of Quality, including rebenchmarking; 2) Update the Standards of Quality to more closely reflect the actual costs of providing a good elementary and secondary education, as recommended by the State Board of Education and the Joint Legislative Audit and Review Commission; 3) Better educate children most at-risk of failing the Standards of Learning Tests. 4) Make the Composite Index a better reflection of local ability to pay

IV. Support the First Cities Coalition Agenda

Lynchburg is a member of the Virginia First Cities Coalition, which represents fifteen of Virginia's older, fiscally challenged core cities. These cities are penalized by an antiquated tax structure, flawed funding formulas and policies that encourage new development over redevelopment. The First Cities Agenda includes the following:

- Modernize and restructure the tax system at the state and local level (as described above)
- Adequately Fund Education (as described above)
- Support urban policy recommendations to revitalize Virginia's older core cities
- Continue the policy of funding Street Maintenance payments at the same level as VDOT maintenance.

City of Lynchburg
2004 Legislative Positions

A. State/Local Partnerships

The state should pass a budget that fully funds the state share of state-local service responsibilities. The state should stop shifting a larger share of these costs to local governments and, ultimately, to local property owners. The state should also resist efforts to eliminate local revenues sources. Recent state studies have documented significant under-funding of critical services in education, transportation, and human services

B. Public Safety

Terrorism Response

- Federal first responder funds provided to the state to combat terrorism should be distributed to local fire departments with hazardous materials capabilities as well as police departments, who are the actual first responders.
- Support legislation exempting police and firefighters from extended active National Guard and reserve duty, to ensure that the local terrorism response capabilities remain strong.

Juvenile Justice

- Restore funding for the Virginia Juvenile Crime Control and Corrections Act (JCCCA).
- Identify and support a suitable VJCCCA funding formula that honors historic State and Local partnerships.
- Restore Department of Juvenile Justice state block grant funding to support local juvenile detention facilities. Funding should be distributed based on capacity not utilization.
- Restore state block grants to local detention facilities incrementally as the State financial conditions improve.

C. Human Services

Comprehensive Services Act

- Increase funding for the Comprehensive Services Act. Any additional funds should be applied to the base program rather than the supplemental program and distributed based local costs over several years as recommended by the Secretary of Health and Human Resources.

Mental Health/Mental Retardation Service Recommendations

- Restore state CSB funding. As Virginia's mental health system becomes more community based, adequate funding for community placement and treatment is critical.

Health Department

- Maintain adequate state funding for public health services in central Virginia.
- Fully fund the state share of the Central Virginia Health Department's building maintenance and lease costs.

Social Services

- Keep VIEW staff and funding in Social Services - this program has been successful in helping many TANF recipients secure and maintain jobs.
- Maintain the current level of state funding for the administration of mandated program and services.
- Support reauthorization of Federal TANF Legislation and the work first requirement.

D. Utilities and Environmental Quality

Combined Sewer Overflow

- Secure commitments from the administration and General Assembly to urge the Virginia Congressional Delegation to obtain a 100% federal earmark for CSO projects in Lynchburg.
- The General Assembly should maintain or increase funding to the Virginia Revolving Loan (VRL) program and earmark these funds for CSO abatement in order to qualify Lynchburg and Richmond for zero interest rates.

Landfill Tipping Fees

- Oppose the imposition of add on fees (e.g. solid waste tipping fees) on local utilities or waste management activities to support state initiatives.

Telecommunications

- Any changes to telecommunications taxes must be part of a balanced comprehensive tax restructuring program that fully compensates localities for any loss of local telecommunications tax revenue.
- Maintain local authority over zoning, land use, rights-of-way and taxation. Limit new state regulation preempting local authority regarding the use and compensation of local rights of way for telecommunications.
- The right of way fee law enacted in 1998 should not be repealed.

SCC Oversight of Local Government Underground Utilities

- Oppose any amendments to the Underground Utilities Damage Prevention Act that would increase reporting requirements for local governments and local utility authorities, or that would increase unnecessary or costly SCC oversight.

E. Transportation

Additional revenues are required to meet state and regional transportation needs. The 2001 JLARC study of transportation established the need for additional funding to maintain and expand the street, highway and public transportation infrastructure. The General Assembly should preserve and enhance state funding for transportation:

- Continue the policy of funding street maintenance payments at the same level of VDOT
- Refrain from transferring dedicated dollars for Transportation to solve state budget problems
- Oppose changes in the highway funding formula that would reduce road funding for Lynchburg.
- Restore Primary funds for projects that were dropped from the six-year plan.
- Preserve and enhance state funding for public transportation
- Reduce liability of publicly funded public transportation systems
- Preserve funding and move forward with preliminary engineering and planning for the Trans-Dominion Express Passenger Rail Service.

F. Economic Development

- Maintain funding for workforce re-training through appropriate agencies; retaining the VIEW program in Social Services

G. Community Development

- Support legislation encouraging city revitalization and redevelopment.
- Oppose legislation that reduces local authority to have effective rental inspection programs.
- Support state transportation and land use policy initiatives that encourage city redevelopment and discourage sprawl.
- Preserve and expand tax credit programs that benefit city redevelopment; including the Historic Tax Credit Program.

Zoning and Land Use

- Preserve local zoning and land use authority. Retain local authority to use by right special exceptions and special use permits to meet the individual needs of communities.
- Oppose legislation that would require localities to treat manufactured homes as single-family homes and allow them by right in all single-family districts. This legislation would preempt the City's zoning ordinance eroding local authority.
- Oppose legislation that would allow state agencies to circumvent local comprehensive plans and land use regulation in the placement of state or telecommunication facilities

Abandoned/Neglected Properties

- Continue to support legislation to make it more efficient and cost effective for local governments and citizens to reduce blighted properties.
- Support changes that continue to streamline the tax sale process on tax delinquent property while preserving reasonable protections for property owners.

Exemption of Religious Organizations from Local Ordinances

- Oppose any state legislation that would exempt churches and other religious organizations from neutral, generally applicable local ordinances, and in particular, local health, safety and zoning ordinances.

H. Education

Educational Funding

- Fully fund the rebenchmarking of education costs to meet the Standards of Quality (SOQ)
- Support and fund the State Board of Education recommendations to update the SOQ and Joint Legislative Audit and Review Commission recommendations to more accurately reflect the real cost of elementary and secondary education.

- Add funding for at-risk incentive programs (At a 4-1 state/local matching ratio outside of the SOQ with an amount estimated at \$2,000 for each free lunch student, and an add on factor based on a district's concentration of free lunch students).
- Provide state funding all pre-K programs

Staffing

- The state should pay for mandated increases in teacher salaries or benefits on a full not partial fiscal year basis. The state should not reduce retirement benefits for teachers, or shift those costs to local governments.
- Support increased state funding for teacher compensation.
- The state should be responsible for all costs of providing any new mandated teaching positions.

School Construction

- Restore funds transferred out of the Literary Fund to reduce the budget shortfall.

Alternative Education Programs

- Retain funding for alternative education programs.

I. Employee Relations and Training

Heart/Lung and Cancer Presumption

- Support local government initiatives amending the presumption statute to restore balance to the rebuttal process.
Unless a balance is restored:
- Oppose extending the presumption to salaried and volunteer EMT's and lifesaving and rescue squads.
- Oppose expansion of cancers covered by the presumption statute.

Binding Arbitration

- Oppose legislation that mandates binding arbitration, meet and confer requirements, and imposed grievance procedures for local employees.

Employee Retirement and Benefits

- The General Assembly should refrain from the transfer of funds out of the Virginia Retirement Fund and into the General Fund to solve current budget problems.
- Adequately fund education so that teacher retirement costs will be equitably borne by the state and its localities.